



## TOWN OF MAIDEN

Planning Department

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September 23, 2011

Mrs. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

RE: Acceleration of Broadband Deployment, WC Docket No. 11-59

Dear Mrs. Dortch:

The Town of Maiden, North Carolina respectfully submits this letter in response to the comments filed on July 18, 2011 by PCIA – *The Wireless infrastructure Association in Commission's Notice of Inquiry*. Specifically, the Town of Maiden takes issue with Exhibit B, V. *Problematic Consultants* of PCIA's comments, which list the Town of Maiden as using a problematic consultant(s).

Maiden is typical of most small towns in North Carolina, we have limited resources and staff expertise when working with cellular towers. For many years, the Town has relied upon a consultant (the Center for Municipal Solutions (CMS)) to assist the Town in insuring that our ordinances are up to date with Federal and State laws as well as protecting the Town's interests when installing new antennas to expand service. The ability to bring in an expert consultant insures, unlike the claims of PCIA, the Town can work more efficiently, quickly, and effectively with the wireless community in the expansion of the wireless network. Our consultant has always made sure that any affected town department or the public is well informed, especially with the complicated legal issues involved in sighting a tower.

The most recent example of a successful co-location to be completed in Maiden was by Cellco Partnership (DBA Verizon Wireless). Their request was for a co-location on the Town's Turbifield Water Tower. Representing Cellco was the Penninton Law Firm. Penninton's representative for the project was less familiar with North Carolina laws and the Town's regulations and practices then would be expected for a streamlined process. She continually attempted to side step the specific and legal process as well as required education from the Town's consultant on North Carolina laws causing unnecessary delays and expense. Penninton's constant delay tactics and need of education added additional time and expense to the project that would not have been required with an experienced representative. The Town, being a good host, approved reasonable requests made by Cellco to help increase the coverage of the array and reduce costs. For example, Cellco requested a "crown" type (a ring for the antennas that extends vertically from the roof of a water tower) installation to increase the height of the antenna to provide better coverage. This request was approved within minutes after checking with the Public Works Department. Another example of the Town and its consultants working quickly and effectively to assist the cellular industry was during construction Cellco's installers requested that the communication cable that goes to the

antennas be mounted overhead between the building and the tower. This was quickly agreed upon as a reasonable request to insure the cables was protected. The Town waved the balloon (a test used to check for visual disturbance (blight) to an area) because change in height to the water tank was minimal. Additionally, the Town did not require a service test (temporary cell tower mounted on a specialized truck) as the need was already proven. Both of these tests were waved, as recommended by our consultants, as the need was not shown to be required to protect the public's interests and to reduce the costs of the project.

During construction a potentially major and dangerous problem did arise. During the installation of an underground fibrotic cable to service the equipment building, a located waterline (a line whose exact location is known and marked on the ground with visible paint) was hit. The installer using a blade type trencher operator did not want to bother with hand locating the line and tried to get lucky and miss the line. Damage to the line was minimal and no further action was required. This could have been avoided by the installer following proper safety procedures and regulations. This and the previous examples demonstrate why regulatory control is needed on projects such as this and why having experts representing the town is vital to protect the public's health, safety and wellbeing.

PCIA's claim is unfounded as the Town and its consultants work hard to reduce costs, and timelines for all parties involved, while allowing for the speedy deployment of wireless services, and the public's input to delivering the best possible level of service to the Town's citizens and the industry.

Sincerely,

A handwritten signature in cursive script, reading "Samuel M. Schultz". The ink is dark and the signature is fluid, with a prominent loop at the end of the last name.

Samuel M. Schultz  
Planning Director